

**MINUTES OF THE MEETING
OF THE BOARD OF
ENVIRONMENTAL HEALTH SPECIALISTS**

October 24, 2005

CALL TO ORDER

George Hanssen, chairperson, called the meeting of the Board of Environmental Health Specialists to order at 10:00 a.m., Monday, October 24, 2005, in The Director's Conference Room, third floor of the State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The meeting was duly publicized by distribution of the Notice of the Meeting Agenda ten (10) days prior to the meeting and posting the agenda at the entrance to the Health and Human Services Department of Regulation and Licensure at least twenty-four (24) hours prior to the meeting.

Roll Call

The following Board members, HHSS Staff and other state employees were present at the meeting:

George Hanssen, Chairperson
Michael Gould, Vice-Chair
Tom Baker, Secretary
Doug Clark, Professional Member
Joyce Jensen, Professional Member
Leslie Olson, Lay Member

Diane Hansmeyer, Section Administrator
Delores James, Credentialing Coordinator

Adoption of the Agenda

Olson moved, seconded by Clark, to adopt the agenda as presented. Voting aye: Hanssen, Baker, Olson, Gould, Jensen and Clark. Voting nay: none. Not voting: None. Motion carried.

Approval of Minutes

Olson moved, seconded by Baker, to approve the minutes of the April 22, 2005 board meeting. Voting aye: Baker, Olson, Gould, Jensen, Clark and Hanssen. Voting nay: none. Not voting: None. Motion carried.

UNIFORM LICENSING LAW

ULL Rewrite (Attachment A)

Hansmeyer discussed the proposed changes to the Uniform Licensing Law rewrite, (Referred to as REQ 0138) and the summary of changes. She stated that the summary information does not contain all of the changes to the proposed bill. The summary is designed to give the Board major changes to review in order to give feedback before REQ 0138 is finalized.

The following changes will take place in the Uniform Licensing Law rewrite:

The name of this document will be changed to the Uniform Credentialing Act because certification and registration are covered as well as licensure. The definitions for these three forms of credentials are found on pages 7, 9 and 10 of REQ 0138.

Page 3 lists all of the practice acts that are covered in the REQ 0138. What that means is that these are the acts within this act.

Hansmeyer reviewed the following changes, which are found on the summary sheets that provide information of why the changes are necessary and where they can be found in the REQ 0138 document:

Initial License - Gives the boards more authority, it changes the current wording; "Board approves or the board adopts the regulations." The board will approve requirements for licensure such as; the education the person has to have, what examination they have to pass, if they have to have experience and if so, what type of experience, the passing score they have to meet in order to pass the examination, and approval of schools/training. The current language states that the Department with the approval or the recommendation of the board. What is meant by current language is that the Department and the board would have to agree and if they do not the change would not take place.

Section 55 page 61 gives a definition of the purpose of each board.

Section 68, page 77 gives information on the Department's role of being responsible for the general administration of the activities of each of the boards.

Section 45, page 46 identifies that the cost of operation of the board should be paid from the Professional and Occupational Credentialing Cash Fund and General Fund. The statement on General Fund is for Emergency Medical Services because they do not pay fees because they are volunteers.

Section 45 page 46 - The reinstatement language is crosshatched. It was changed, but the boards like the current language. Therefore, the original language will remain in this section.

Renewal: Biennial renewal is not a change and it appears on the summary because all of the practice acts have been added to the UCA for consistency purpose.

The 2nd part is that licenses will no longer be revoked for non-payment of fees, they will just expire. Licensees did not like the term revocation because it will be on their record permanently and appears that the license was revoked for disciplinary reasons. Hansmeyer stated that research was done to find out what other states are doing and they found out that other states were not revoking licenses for this reason.

The 30-day grace period will be eliminated because it confuses licensees. It makes them think that they can continue to practice until the grace period is over. When the truth is that the only thing that the grace period allowed is for licensees to pay the licensure fees. reinstatement does the same thing.

Eliminated the inactive fee, but not inactive status. Individuals can choose inactive status at the time of renewal and not have to pay a fee. The reason for this change is that the fee wasn't necessary because there is no extra work involved in this process and it is the belief that fees should be paid to support cost and if there is no cost, then there should not be a fee charged.

Reinstatement will not change, except for people who were disciplined. If their license was revoked for disciplinary reasons they could reapply for reinstatement after two years.

Endorsement and Reciprocity: Reciprocity in Nebraska does not mean true reciprocity. The word reciprocity means that if a person has a license in one state they can get a license in another state based upon that license. The term, which will appear in REQ is endorsement. It also eliminated the requirement to have practiced at least one year out of the last three.

Board's Role Hansmeyer reviewed information on the Board's Role, which gives the board the authority to adopt regulations without the Department's approval for initial licensure standards, renewal standards, passing score, course of study, defining unprofessional conduct and sending applications for reinstatement

She gave the Board new language to review for possible inclusion into the Environmental Health Specialists Practice Act. She stated that this language would eliminate a loophole, which she feels is currently in their practice act (Attachment B). C (1) is when a person gets an initial license and C (2) is when a person is licensed in another state.

Hansmeyer gave an example of a person who met all of the requirements, but did not get a license in Nebraska. Several years pass before the person applies for a license and as the language is now written the State of Nebraska would have to give this person a license without knowing her competency level. The new language would give the Board the right to consider competency and if the Board feels that someone who hasn't practice for five years isn't competent, then this would allow them to write regulations, which would include competency requirements.

C(2) is written for a person coming from another state/jurisdiction and also requires that continuing competency be met after a 3 years period of licensure inactivity.

Motion on C. (1) and C. (2)

Jensen moved, seconded by Clark, to approve the following language for inclusion into the EHS practice act: "Any applicant who has met the education and examination requirements in 71-3705 and is not practicing at the time of application for licensure shall present proof satisfactory to the Department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 41 of this act; and C. (2) any

applicant who has a license in another jurisdiction who has met the requirements for endorsement in section 37 of this Act and is not practicing at the time of application for licensure shall present proof satisfactory to the Department that he or she has within the two years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 41 of this Act. Voting aye: Olson, Gould, Jensen, Clark, Hanssen, and Baker. Voting nay: None. Not voting None. Motion carried.

Hansmeyer continued the review on the ULL rewrite changes on the board's role and stated that number 2 can be found in Section 31 on page 23 and this is where the board recommends to the Department on licensure and other administrative areas, the security of the examination, issuance and denial of licensure, and administration of the examination.

Board Expenses: the new requirements will provide a per diem to board members for up to \$50.00 per day and the Board can also give a per diem to people who serve on advisory committees.

Board Composition: The ULL rewrite requires an additional public member for boards with less than eleven members.

Proposed Changes to the Environmental Health Specialist Practice Act

The following changes would be made to the Environmental Health specialist Practice Act because most of this information is already found in the Uniform Licensing Law:

Recess 12:00 p.m.

Reconvened at 12:19 p.m.

Included all of EHS practice act under the ULL

Change registration to certification to comply with the definitions in the UCA, however keeps the title registered environmental specialists

Repeal 71-3705 examination provision because located in the UCA

Board appointment 71-3706

Board conflict of interest 71-3706

Board compensation and travel expenses located under UCA 71-3706.

Removal from Board 71-3707 in UCA.

Repealed 71-3708 board meetings, organize, elect officers.

Repealed 71-3708.01 national meeting

Repealed 71-3709 Board minutes and registry record.

Repealed 71-3712 reciprocity

Repealed 71-3715 because the misdemeanor provision is in UCA.

Hansmeyer stated that the Department wants to ask each board how they feel about the changes and if they could support the proposed changes in ULL as well as in the practice act, if not, the Department would like to address concerns before this bill is taken to the legislature.

The following motions were made to reflect additional proposed changes to the Environmental Health Specialists Practice Act:

Olson moved, seconded by Baker, to change §71-3702 (4) to **Provisional Environmental Health Specialist** and require at least **two** full years of experience in the field of environmental sanitation prior to registration as an EHS. Voting aye: Jensen, Hanssen, Baker and Olson. Voting nay: Gould and Clark. Not voting: None. Motion carried.

Jensen moved, seconded by Clark, to change one year to **two years** in §71-3703, which should read: "has been employed full time as an environmental health specialist for a period of not less than **two years**." The requirement will change to not less than **one year** for people holding a degree higher than a baccalaureate degree. Voting aye: Gould, Jansen, Clark, Hanssen, Baker and Olson. Voting nay: None. Not voting: None. Motion carried.

Jensen moved, seconded by Clark, to change language in §71.3710 to read as follows: "In no case shall certification for a **provisional environmental health specialist** exceed a **three-year** period." Voting aye: Jensen, Clark, Hanssen, Baker, Olson and Gould. Voting nay: None. Motion carried.

Hansmeyer asked if the association would be in favor of the proposed changes. The Board did not think there would be a problem. with the changes.

Motion

Jensen moved, seconded by Clark, to support the changes to proposed REQ 0128. Voting aye: Clark, Hanssen, Baker, Olson, Gould and Jensen. Voting nay: None. Not voting: None. Motion carried.

Section 71-178

Hansmeyer asked if the Board wanted to add other exemptions to §71-178. The Board decided not to add to this section.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Lap Report

The Board reviewed the Licensee Assistant Report for the time period of April 1, through June 30, 2005. This report is given for informational purposes only and does not require any action from the Board.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:09 p.m.

Respectfully submitted,

Tom Baker, Secretary